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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,868	09/14/2006	Eytan Bar	41319	1628
116 7590 07/02/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER AMSDOLL, DANA	
			ART UNIT 3627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,868

Applicant(s)

BAR ET AL.

Examiner

DANA AMSDELL

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 9/14/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim term "enhanced credit card having dynamic data storage" as it depends from claims 3 being a telecommunications device, lacks specificity in the claim, and further lacks descriptive embodiment in the Specifications, that are necessary for one skilled in the art to interpret with distinction.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7-11, 13, 15-17, 20-25, 29-30, 32-35 are rejected under 35

U.S.C. 102(e) as being anticipated by Daidone et al. et al. (US 2004/0133488), herein "Daidone".

5. Regarding claims 1 and 29, directed to an apparatus, and method thereof, for verifying an at least one service bill issued to an at least one subscriber by a service provider, Daidone teaches the apparatus comprising the elements of:
an at least one user device associated with the at least one subscriber, for generating an at least one user data record describing an at least one usage unit of a service provided by the service provider (Fig. 2; and ¶0016);
an at least one bill verification device for receiving and storing bill calculation and bill generation information from the at least one user device and from an at least one service provider, and for calculating and generating an at least one comparison bill, compare with the at least one service bill issued by the service provider;
wherein the results of the comparison in the bill verification device generate difference indicators, which indicate differences between the comparison bill and the service usage bill issued by the service provider; and wherein the difference indicators are merged into the comparison bill to form a verification bill, which is provided by the at least one bill verification device (Fig. 2; Fig. 3; ¶0023-¶0025; and claim 3 – "identify a pattern" being the recited 'difference indicator').

6. Regarding claims 7, 8 and 32, Daidone teaches wherein the at least one bill verification device comprises:

a user data records database held in an internal memory device of the at least one bill verification device for storing user data records transmitted from the at least one user device (Fig. 2, elm. 450 and Fig. 3;

a service provider billing system rules file for storing billing system rules obtained by the at least one bill verification device from the at least one service provider device;

a service provider billing system subscriber service contract file for storing subscriber contract information obtained by the at least one bill verification device from the at least one service provider device (Fig. 4, elm 500; and ¶0021)

a subscriber rules and subscriber group rules file for holding subscriber-specific and subscriber-group-specific control data (Fig. 5, elm 600; ¶0003- "customers"; ¶0022 and ¶0035);

a service usage bill issued by the service provider billing system device (Fig. 4);

a bill and subscriber processor component for calculating and generating a comparison bill and for processing subscriber and subscriber group control information (Fig. 3, step 16; and ¶0023);

a bill comparator component to compare between the comparison bill and the service usage bill issued by the service provider billing system (¶0025);

a billing difference and subscriber and subscriber group rule based indicators formatter component for formatting the results generated by the bill and subscriber processor

component and the bill comparator component (§§0028 and §§0037);

a merger component for merging the difference indicators and the subscriber and the subscriber group rule based indicators into the comparison bill and for generating a verification bill resulting from the merging process (§§0030);

a verification bill for displaying the detailed billing charges information calculated internally, the difference indicators between the comparison bill and the bill issued by the service provider billing system, and the subscriber and the subscriber group rule-based indicators (§§0037); and further:

a subscriber rules-based and subscriber group rules-based actions table for storing rules-based actions to be performed in response to the identification of post-billing conditions defined by the combination of rules, counter values and limitation values (§§0007; and §§0019-§§0021);

a subscriber control file for storing subscriber counters and subscriber limitations (Fig. 5; §§0022 and §§0028)

a subscriber control file updater for updating subscriber counters in response to results generated by the bill and subscriber processor component;

a verification bill router component for routing the verification bill to an at least one pre-defined subscriber (§§0037).

7. Regarding claims 9 -11, 13 and 35, Daidone teaches wherein the at least one subscriber is a network-based service subscriber and the service provider is a mobile telephone communication service (§§0019 – AT&T).

8. Regarding claims 15, and 21-24, Daidone teaches wherein the at least one bill verification device is a bill verification server installed on a computing platform linked to the communications network Fig. 1 elm. 300/400); and wherein the at least one user device is connectable to a communications network; and wherein the at least one user device transmits the at least one user data records for bill verification Fig. 1, elms 200/300/400); and; wherein the at least one service provider device is linked to a communications network Fig. 1, elms.100/300).

9. Regarding claim 16, Daidone teaches further: a service provider device linked to the communication network, for responding to service requests submitted by the at least one user device, for managing and maintaining service usage associated with the submitted requests, for generating call data records associated with service usage units, and for transmitting accumulated call data records for service usage bill generation; a service provider billing system coupled to the service provider device for storing subscriber contract information, for storing service provider rules, for calculating and generating service usage bills, and for responding to requests submitted by the at least one bill verification device by transmitting subscriber contract information and service provider rules information to the at least one bill verification device.

10. Regarding claim 17, Daidone teaches the claim dependencies and further teaches wherein the service provider device is a mobile network switch device (¶0019 – AT&T; and ¶0018).

11. Regarding claim 20, Daidone teaches wherein the at least one user data record comprises:

a user device identification field for identifying the at least one user device and the associated at least one subscriber;

a service type indicator field to identify the type of service associated with the usage unit reflected by content of the at least user data record;

a length of use field for providing calculation-specific information to the bill and subscriber processor component;

a service provider identification field for building communication address to the service provider device and for connecting the contract and service provider information to the bill and subscriber processor component; and

a date and time field for user data record identification and for date and time dependent calculations (Fig. 5; and ¶0028- wherein a phone number identifies user device).

12. Regarding claims 25, 33 and 34, Daidone teaches wherein the at least one bill verification device locates potential differences between the at least one comparison bill and the at least one service usage bill; and alternatively routing the verification bill to an at least one subscriber in the at least one bill verification device; and further updating

subscriber counters and subscriber limitation data based on the content of the comparison bill in the at least one bill verification device (¶0030; and ¶0034).

13. Regarding claim 30, Daidone teaches activating a data transmission process via a scheduling component or via a manual mechanism for providing periodic user data record transmission from the at least one user device to the at least one bill verification device (¶0017).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4, 5-6, 12, 14, 18-19, and 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Daidone, in view of McGregor et al. (US 6,198,915), herein "McGregor".

16. Regarding claims 2-4, and 26-28, Daidone teaches the claim dependencies wherein the user device is defined within a generic telecommunications environment; and specifically to a mobile telephone service provider (¶0019 – AT&T). He is silent to the specific teaching of the at least one user device is a mobile telephone

communication device; wherein the at least one user device is a communications-enabled Personal Digital Assistance device; wherein the at least one user device is an enhanced credit card having dynamic data storage capabilities. Subsequently, Daidone is silent to the further limitations of wherein the communications network is a mobile telephone communications network; and wherein the communications network is a data communications network; and wherein the communications network is a credit network.

McGregor does disclose the user device having all the recited features and functionality recited in the dependent claims (Fig. 1, column 4, line 46-column 5, line 23); One of ordinary skill in the art would find it obvious to modify the teachings of Daidone by incorporating the disclosures of McGregor to fully utilize telecommunications technology, and appeal to an expanded end-user market (column 2, lines 33-48).

17. Regarding claims 5, 6 and 31, Daidone teaches the claim dependencies, and further teaches the at least one user device comprising:

- a service handler component for initiating and for performing service usage, for generating an at least one service usage unit associated with the service usage, and for storing the at least one service usage unit (Fig. 1, elm. 200);
- a service usage log file coupled to the service handler component for storing service usage information generated via service usage (Fig. 1, elm. 300; Fig. 3, step 14
- a user data record builder component coupled to a service usage log file for creating an at least one user data record based on the service usage file and carrying information

based on an at least one least usage unit of a service provided by the service provider (Fig. 5);

a user data records file coupled to the user data record builder component for storing the at least one user data record generated by the user data record builder component (Fig. 2, elms 410-450);

a transmission scheduler component coupled to a user interface for receiving and for holding transmission scheduling control information and for activating a user data record transmission process by sending activation commands in response to transmission scheduling control information (Fig. 4, elms. 504/506/508);

a user data records transmitter component coupled to a communications device for transmitting user data records to a bill verification device in response to the activation commands received from the transmission scheduler component (Fig. 2; and ¶¶0013).

Wherein Daidone teaches the apparatus and method performing as recited, he is silent to the feature of the user device having an *internal* memory for service usage logs and user data records and he does not expressly teach the user interface between the device and the subscriber, though for operation of the device this would be presumed necessary. However, McGregor makes these features explicit (Fig. 2, elm 33; and Fig. 2, elms. 58/60, column 5, line 24-column 6, line 8). One of ordinary skill in the art would find it obvious to modify the teachings of Daidone by the disclosures of McGregor to eliminate one less communication link making the system in total, run more rapidly and reliably.

18. Regarding claims 12 and 14, Daidone teaches the claim dependencies, and further teaches the service provider is a mobile telephone communication service (¶0019 – AT&T). He is silent to the feature wherein the at least one service provider is a credit-based purchasing and payment service provider; and wherein the service provided by the at least one service provider to the at least one subscriber is a goods or services purchasing service associated with credit accounts and credit cards.

However, McGregor makes these features explicit (column 2, lines 40-48). One of ordinary skill in the art would find it obvious to modify the teachings of Daidone by McGregor's disclosures to, as pointed out by McGregor, it would limit the credit risk of extending phone service to pre-defined levels.

19. Regarding claims 18-19, Daidone teaches the claim dependencies, yet is silent to the features wherein the service provider device is a credit card authorization, credit card authentication, and credit-based transaction clearance device; and wherein the service provider billing system is a billing system installed on a computing platform. However, McGregor discloses these features (Fig. 1; and column 5, lines 16-22). One of ordinary skill in the art would find it obvious to modify the teachings of Daidone by McGregor's disclosures to, as pointed out by McGregor, it would limit the credit risk of extending phone service to pre-defined levels.

20. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daidone as applied to claim 29 above, and further in view of McGregor and "Official Notice".

21. Regarding claims 36-39, Daidone teaches the claim dependencies, and further teaches the at least one user record being generated in response to the performance of incoming calls and outgoing calls (§0029). McGregor discloses a system which is a "contemporary unit" with credit card transactions, text and data transmission and RF communication (Fig. 1; and column 3, line 35-column 4, line 45). He is silent to the specific features of SMS message transmission and infra-red links.

However, one of ordinary skill in the art would find it obvious to modify expressly the phone of disclosed by McGregor, as it is disclosed as a contemporary unit and the time of invention a contemporary mobile phone unit had these features as options.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AMSDELL whose telephone number is (571)270-5210. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627